

PIL WRIT PETITION NO.206/2000

Smt. Conceicao D'Souza,
La-Citadel Colony,
Dona-Paula, Goa.

..... Petitioner.

V/s.

1. State of Goa, through
the Chief Secretary,
Secretariat, Panaji, Goa.

2. Dy. Collector (N.Goa),
Panaji, Goa.

3. North Goa Planning and
Development Authority, Panaji

4. Chief Town Planner,
Town & Country Planning
Department, Panaji.

5. Panaji Municipal Council,
through Chief Officer,
Panaji, Goa.

Mr. R.V. Kamat, Amicus Curiae.

Mr. A.N.S. Nadkarni, Advocate General with Mr. S.R.
Rivonkar, Govt. Advocate for respondents No.1, 2 and 4.

Mr. S.S. Kantak, Advocate for respondent No.5.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : FEBRUARY 16, 2004

ORAL JUDGMENT : (Per MHATRE, J.)

This is a public interest litigation which takes cognizance of a letter addressed to this Court. A grievance has been made that the Dy. Collector has taken

no action against an encroachment made on Government land on a public road of 25 metres width, and has not shown in the survey records or survey plan. According to the petitioner, despite this fact being brought to the notice of North Goa Planning and Development Authority, the Chief Town Planner and the Village Panchayat of Taleigao, no action was taken by these Authorities to denote the public road in the survey records and the survey plan, as a result, illegal construction has come up on this public road.

2. In reply to the petition, an affidavit has been filed by the first respondent stating that certain action has been taken against the encroachers. A further affidavit has been filed today of the Dy. Collector and S.D.O. North Goa, Panaji, respondent No.2 herein, listing the various matters which are pending disposal before the Dy. Collector and the appeals preferred by the encroachers. A status of all these matters have also been shown in the statement annexed to the affidavit.

3. The affidavit, therefore, answers the grievance of the petitioner so far as action to be taken against the encroachers. Therefore, the petition is disposed of in view of the affidavit. However, respondent No.1 is directed to take steps to delineate

the 25 metres acquired portion in the survey records and the survey plan. Action in this respect will be commenced within a period of four weeks from today.

NISHITA MHATRE, J.

P.V. HARDAS, J.

ssm.